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PATENT APPLICATION  
Docket No. 1384.2.3D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : John W.L. Ogilvie  
Serial No.: 09/929,420  
Filed: August 14, 2001  
Title: MESSAGE CONTENT PROTECTION AND  
CONDITIONAL DISCLOSURE  
Examiners: Tracey Akpati, Kim Vu (Art Unit 2135)

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RESPONSE

The Honorable Director of  
The United States Patent & Trademark Office

Director:

In response to the Office Action mailed May 17, 2004, Applicant respectfully submits the following remarks and requests favorable reconsideration of the application.

Remarks

The Office Action rejects all pending claims under 35 U.S.C. § 102 or § 103. The rejections rely again on mistaken assertions regarding U.S. Patent No. 5537533 ("Staheli").

The Office Action asserts in paragraph 2:

... Staheli et al teaches hiding of the data on column 5, lines 25-45. The message copy is stored at a replacement server and this server is not active until this copy is requested. Hence when the copy is stored, the copy is hidden from the public because the server that it is stored on is deactivated.

However, the Office Action fails to appreciate the meaning of "hiding copies of sensitive information" as required by the application. The specification must be considered when determining what is and what is not meant by "hiding" information. See M.P.E.P. § 2111 (PTO gives claims their broadest reasonable meaning while "taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification"). "Hiding" cannot be given any